

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



**MISSOURI STATE OPERATING PERMIT**

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92<sup>nd</sup> Congress) as amended,

Permit No.: MO-0128864

Owner: Zona Rosa LLC  
Address: 10100 North Ambassador Drive, Suite 105, Kansas City, MO 64151

Continuing Authority:  
Address: Same as above

Facility Name: Zona Rosa Development  
Address: I-29 and Barry Road, Kansas City, MO 64153

Legal Description: NE ¼, NW ¼, Sec. 12, T51N, R34W, Platte County

Receiving Stream: Outfalls #001 & #002 - Unnamed Tributary to Rush Creek (U)  
Outfall #003 - Unnamed Tributary to Walnut Creek (U)

First Classified Stream and ID: Rush Creek (P)(00278)  
USGS Basin & Sub-watershed No.: (10240011-100001)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

**FACILITY DESCRIPTION**

Outfalls #001 - #003 - Stormwater/Land disturbance - SIC #1629

All flows are dependent upon precipitation.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

July 11, 2003

Effective Date

July 10, 2008

Expiration Date  
MO 780-0041 (10-93)

  
Stephen M. Mahfood, Director, Department of Natural Resources  
Executive Secretary, Clean Water Commission

  
James R. Macy, Director, Kansas City Regional Office

<b>A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS</b>					PAGE NUMBER 2 of 9	
					PERMIT NUMBER MO-0128864	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Outfalls #001 - #003						
Flow	MGD	*		*	once/month	grab
Settable Solids	ml/L/hr	2.5		*	once/month	***
Acrolein	µg/L	200		*	once/month	***
Acrylonitrile	µg/L	0.65		*	once/month	***
Polyacrilamide (Note 1)	mg/L	5		*	once/month	grab
pH - Units	SU	**		**	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>MONTHLY</u> ; THE FIRST REPORT IS DUE <u>August 28, 2003</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
<b>B. STANDARD CONDITIONS</b>						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Parts I &amp; III</u> STANDARD CONDITIONS DATED <u>October 1, 1980 and August 15, 1994</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

MO 780-0010 (8/91)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- \* Monitoring requirements only.
- \*\* pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.
- \*\*\* A composite sample made-up from a minimum of four grab samples collected every 15 minutes after the first sample. The first sample is to be taken during the first 15 minutes of flow, if feasible, but no later than the first hour.

Note 1 - Permittee must use an acceptable analytical method, see 10 CSR 20-7.015 (9) (A)

C. SPECIAL CONDITIONS

Note: These requirements do not supersede nor remove liability for compliance with county and other local ordinances.

1. The Zona Rosa Company will conduct sampling as outlined in the Sampling Plan submitted by Zona Rosa Development to the Missouri Department of Natural Resources (the department) on February 4, 2003. Revisions of the Sampling plan must be submitted to the department for approval and incorporation into this permit.
2. Anionic PAM application shall comply with all federal, state, and local laws, rules or regulations governing anionic PAM.
3. Anionic PAM mixtures shall be environmentally benign, harmless to fish, aquatic organisms, wildlife, and plants. Anionic PAM mixtures shall be non-combustible.
4. Anionic PAM mixtures shall have  $\leq .05\%$  free acrylamide monomer by weight as established by the Food and Drug Administration (FDA) and the US Environmental Protection Agency (EPA).

C. SPECIAL CONDITIONS (continued)

5. Anionic PAM mixtures shall be used in conjunction with other Best Management Practices.
6. This permit may be reopened and modified, or alternatively revoked and reissued, to:
  - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
    - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
    - (2) controls any pollutant not limited in the permit.
  - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
  - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.
7. Changes in Discharges of Toxic Substances
 

The permittee shall notify the Director as soon as it knows or has reason to believe:

  - (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
    - (4) The level established in Part A of the permit by the Director.
  - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.
8. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
9. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
10. Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of RCRA and CERCLA.
11. An individual shall be designated by the permittee as responsible for environmental matters. Staff of the permitted facility shall inspect any structures that function to prevent pollution of storm water or to remove pollutants from storm water and of the facility in general to ensure that any Best Management Practices are continually implemented and effective.

C. SPECIAL CONDITIONS (continued)

12. The discharge of storm water from these facilities shall not cause a violation of the state water quality standards, 10 CSR 20-7.031, which states, in part, that no water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
  - a. Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
  - b. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
  - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
  - d. Waters shall be free from substances or conditions in sufficient amounts to have a harmful effect on human, animal or aquatic life.
  - e. There shall be no significant human health hazard from incidental contact with the water;
  - f. There shall be no acute toxicity to livestock or wildlife watering;
  - g. Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
  - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles, or equipment and solid waste as defined in Missouri's Solid Waste Law, Section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to Section 260.200-260.247.
13. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to storm water. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spills of these pollutants from entering a water of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
14. SWPPP Requirements: The following information and practices shall be provided for in the SWPPP.
  - a. Site Description. In order to identify the site, the SWPPP shall include the facility and outfall information provided in the Application Form. The SWPPP shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs.
  - b. Drainage areas: The following guidelines are for protection of drainage areas and shall be addressed in the SWPPP.
    - i. Clearing and grubbing within 50 feet of a defined drainage course should be avoided.
    - ii. Where changes to defined drainage courses occur as part of the project, clearing and grubbing within 50 feet of the defined drainage course should be delayed until all materials and equipment necessary to protect and complete the drainage change are on site.
    - iii. Changes to defined drainage courses shall be completed as quickly as possible once the work has been initiated. The area impacted by the land disturbance of the drainage course change is to be revegetated or protected from erosion as soon as possible. Areas within 50 feet of defined drainage ways should be recontoured as needed and revegetated, seeded, or otherwise protected within five (5) working days after grading has ceased.
    - iv. Work in defined drainages or water courses may require a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the federal Clean Water Act.

C. SPECIAL CONDITIONS (continued)

## 14. SWPPP Requirements (continued)

- c. Description of Best Management Practices: The SWPPP shall include a description of the BMPs that will be used at the site. The SWPPP shall provide the following general information for each BMP which will be used one or more times at the site:
- i. Physical description of the BMP,
  - ii. Site and physical conditions that must be met for effective use of the BMP,
  - iii. BMP installation/construction procedures, including typical drawings, and
  - iv. Operation and maintenance procedures for the BMP.

The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:

- i. Whether the BMP is temporary or permanent,
  - ii. Where, in relation to other site features, the BMP is to be located,
  - iii. When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project, and
  - iv. What site conditions must be met before removal of the BMP if the BMP is not a permanent BMP.
- d. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. Where soil disturbing activities cease in an area for more than 14 days, the disturbed areas shall be protected from erosion by stabilizing the area with mulch or other similarly effective erosion control BMPs. If the slope of the area is greater than 3:1 or if the slope is greater than 3% and greater than 150 feet in length, then the disturbed areas shall be protected from erosion by stabilizing the area with mulch or other similarly effective erosion control BMPs if activities cease for more than seven days. These requirements do not apply to the slopes of a sedimentation basin or the areas that clearly drain thereto.
- e. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Storm water discharges from disturbed areas, which leave the site, shall pass through an appropriate impediment to sediment movement, such as a sedimentation basin, sediment traps, silt fences, etc. prior to leaving the land disturbance site. Bench marks shall be referenced for proper installation and operation and maintenance of drainage course changes.
- f. Temporary and Permanent Non-Structural BMPs: The SWPPP shall require existing vegetation to be preserved where practical. The time period for disturbed areas to be without vegetative cover is to be minimized to the extent practical.

Examples of non-structural BMPs which the permittee should consider specifying in the SWPPP include: preservation of trees and mature vegetation, protection of existing vegetation for use as buffer strips (especially along drainage courses), mulching, sodding, temporary seeding, final seeding, geotextiles, stabilization of disturbed areas, preserving existing stream channels as overflow areas when channel straightening or shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, stabilized site entrances/exits, and other appropriate BMPs.

C. SPECIAL CONDITIONS (continued)14. SWPPP Requirements (continued)

- g. Temporary and Permanent Structural BMPs: Examples of structural BMPs that the permittee should consider specifying in the SWPPP include: diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins, and other appropriate BMPs.
- h. Sedimentation Basins: The SWPPP shall require a sedimentation basin for each drainage area with 10 or more acres disturbed at one time. The sediment basin shall be sized to contain 0.5 inch of sediment from the drainage area and to be able to contain a 2-year, 24-hour storm. The sediment shall be cleaned out of the basin and otherwise maintained as needed until the drainage area is stabilized. This requirement does not apply to flows from areas where such flows are properly diverted around both the disturbed areas and the sediment basin. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream.

Where use of a sediment basin of this size is impractical, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. The SWPPP shall require the basin be maintained until final stabilization of the area served by the basin.

The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

- i. Additional Site Management BMPs: The SWPPP shall address other BMPs, as required by site activities, to prevent contamination of storm water runoff. Such BMPs include:
  - i. Solid and hazardous waste management including: providing trash containers and regular site clean up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers, and cups; and providing containers and proper disposal of waste paints, solvents, and cleaning compounds, etc.;
  - ii. Provision of portable toilets for proper disposal of sanitary sewage;
  - iii. Storage of construction materials away from drainage courses and low areas; and
  - iv. Installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers.
- j. Permanent Storm Water Management: The SWPPP shall include a description of the measures that will be installed during land disturbance to control pollutants in storm water discharges that will occur after land disturbance activity has been completed. These could include drainage channels or systems; outlet control devices, detention basins, oil water separators, catch basins, etc. This general permit does not require the permittee or the permittee's contractors to operate or maintain these measures beyond the date of MDNR's Letter of Termination.

C. SPECIAL CONDITIONS (continued)

15. The primary requirement of this permit is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that

- a. Incorporates required practices identified below,
- b. Incorporates erosion control practices specific to site conditions, and
- g. Provides for maintenance and adherence to the plan.

For new applicants, before removing any site vegetation, disturbing earth, or submitting an application, the permittee shall develop a SWPPP that is specific to the land disturbance activities at the site. This plan must be developed before a permit can be issued and made available as specified under RECORDS. However, the plan should not be submitted to the department unless specifically requested.

The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of the land disturbance project.

The purpose of the SWPPP is to ensure the design, implementation, management, and maintenance of Best Management Practices (BMPs) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with the land disturbance activities; comply with the Missouri Water Quality Standards; and ensure compliance with the terms and conditions of this general permit.

The permittee shall select, install, use, operate, and maintain the BMPs in accordance with the concepts and methods described in the following documents:

- a. ***Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices***, (Document number EPA 832-R-92-005) published by the United States Environmental Protection Agency (USEPA) in 1992. **This manual is available at The USEPA internet site:**  
[http://cfpubl.epa.gov/npdes/pubs.cfm?program\\_id=0](http://cfpubl.epa.gov/npdes/pubs.cfm?program_id=0) (searching under **Publications/Policy and Guidance Documents**).
- b. ***Protecting Water Quality: A field guide to erosion, sediment and storm water best management practices for development sites in Missouri***, published by the Missouri Department of Natural Resources in November 1995.

The permittee is not limited to the use of these guidance manuals. Other commonly accepted publications may be used for guidance and must be referenced in the SWPPP if used. In addition, the permittee is not limited to the use of BMP identified in these manuals. However, any alternative BMPs should be justified by site conditions and described in the SWPPP.

16. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP, at a minimum, whenever the:

- a. Design, operation, or maintenance of BMPs is changed;
- b. Design of the construction project is changed that could significantly affect the quality of the storm water discharges;
- c. Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
- d. MDNR notifies the permittee of deficiencies in the SWPPP;
- e. SWPPP is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g., there is visual evidence, such as excessive site erosion or excessive sediment deposits in streams or lakes);
- f. Total Settleable Solids from a storm water outfall exceed 2.5 ml/L/hr.; or
- g. MDNR determines violations of Water Quality Standards may occur or have occurred.

C. SPECIAL CONDITIONS (continued)

17. **Site Inspections Reports:** The permittee shall ensure the land disturbance site is inspected on a regular schedule and within a reasonable time period (not to exceed 72 hours) following heavy rains. Regularly scheduled inspections shall be at a minimum once per week. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where storm water leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a weekly report of the inspection(s) and corrected within seven calendar days of the inspection report. The permittee shall promptly notify the site contractors responsible for operation and maintenance of BMPs of deficiencies.

A log of each inspection shall be kept. The inspection report is to include the following minimum information: inspector's name, date of inspection, observations relative to the effectiveness of the BMPs, actions taken or necessary to correct deficiencies, and listing of areas where land disturbance operations have permanently or temporarily stopped. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so.

18. **Proper Operation and Maintenance:** The permittee shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of this general permit.

The need to halt or reduce the permitted activity in order to maintain compliance with general permit conditions shall not be a defense to the permittee in an enforcement action.

19. **Notification to All Contractors:** The permittee shall notify each contractor or entity (including utility crews and city employees or their agents) who will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any BMP. If additional land is disturbed or any BMP damaged, then the permittee shall cause to have the disturbance or damage repaired.

OTHER DISCHARGES

1. **Hazardous Substance and Oil Spill Reporting:** Refer to Section B, #14 of Part I of the Standard Conditions that accompany this permit.
2. **Removed substances:** Refer to Section B, #6 of Part I of the Standard Conditions that accompany this permit.
3. **Change in discharge:** In the event soil contamination or hazardous substances are discovered at the site during land disturbance activities, the permittee shall notify MDNR in writing.

RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis, and all site inspection records required by this general permit. The permittee shall retain these records at a site which is readily available from the permitted site until final stabilization of a site is achieved. The local office of the permittee, their contractor or consultant is considered to be readily available from the project site if it is located in the same county as the project site. The records shall be accessible during normal business hours. After final stabilization the records may be maintained at the location of the permittee's main office. The records shall be retained for a period of at least three years from the date of the Letter of Termination.



RECORDS (continued)

2. The permittee shall provide a copy of the SWPPP to MDNR, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide those who are responsible for installation, operation, or maintenance of any BMP a copy of the SWPPP.
4. The permittee, their representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

TRANSFER OF OWNERSHIP

1. Individual Lot or Lots: Federal and Missouri storm water regulations (10 CSR 20-6.200) require a storm water permit and erosion control for one acre or more disturbed as part of a common plan or sale. When individual lots (commercial, industrial, or residential) are sold to an entity for construction (unless sold to an individual for purposes of building their own private residence) are also subject to storm water regulations because they are part of the common sale.

The existing permittee who intends to transfer ownership of a lot or parcel of the overall permitted area is still responsible for the terms of this permit and erosion control on that site unless the new owner applies for and receives a separate Missouri State Operating Permit for storm water discharges from land disturbance activities. If the current permittee is to retain the permit and responsibility for control of sediment and other pollutants at the site, then the owner should obtain a copy of an Individual Lot Certification (ILC) from the lot owner(s). The ILC should be properly completed and signed and retained with the SWPPP.

2. Entire Tract: If the entire tract is sold to a single entity, then this permit shall be terminated and the new owner shall submit an application for a new permit immediately.

TERMINATION

This permit may be terminated when the project is stabilized. The project is considered to be stabilized when either perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetative cover shall be at least 70% of fully established plant density over 100% of the disturbed area.

In order to terminate the permit, the permittee shall notify MDNR by submitting Form J, included with the State Operating Permit. The permittee shall complete Form J and mail it to MDNR at the address noted in the cover letter of this permit.

DUTY TO COMPLY

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6.200. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal.

MAILING ADDRESS

The permittee shall send all written correspondence and forms, which are to be submitted to MDNR to the address listed in the cover letter that accompanies this permit.